

**VIRGINIA BOARD OF NURSING  
MINUTES  
JULY 20, 2004**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:10 A.M. on July 20, 2004 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**PRESIDING:** Janet B. Younger, R.N., P.N.P., Ph.D., President

**BOARD MEMBERS  
PRESENT:** Janet B. Younger, R.N., P.N.P., Ph.D., President  
Denise Oppenhagen, R.N., B.S.N., Secretary  
Lynne M. Cooper, Citizen Member  
Woody B. Hanes, R.N., M.S.N., F.N.P.  
Louise D. Hartz, Citizen Member  
Gregory J. Huber, R.N., M.S.N.  
Carol E. King, L.P.N., M.S.  
Louisa Lief, R.N., M.S. (joined later)  
Judith E. Piersall, R.N., B.S.N.  
Julia C. Semple, L.P.N.  
Brenda L. Spady, L.P.N.  
JoAnn Tillett, R.N.

**BOARD MEMBERS  
ABSENT:** Linda D. Gross, Citizen Member

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant  
Susan Bell Rosen, R.N., F.N.P., J.D., Deputy Executive Director, Discipline  
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Ann S. Hardy, R.N., M.S.N., Discipline Case Manager  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:** Robert A. Nebiker, Director, Department of Health Professions  
Gail Jaspens, Senior Deputy Director, Department of Health Professions  
Elaine Yeatts, Regulatory Analyst, Department of Health Professions  
Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF  
A QUORUM:** With eleven members of the Board present, a quorum was established.

**ANNOUNCEMENTS:**

- Woody Hanes, R.N., new Board member was introduced, Linda Gross, Citizen Member, was also appointed but was not present
- Marion Alderman, was recognized for her eight years of service to the Board as a citizen member
- Linda Ault, R.N., was recognized for her four years of service to the Board as a member, vice president and president

- Tammie Hall, Senior Adjudication Analyst was recognized for her years of service. Ms. Hall is leaving DHP for employment at DPOR
- NCSBN Delegate Assembly will be held August 3 – 6, 2004 in Kansas City, Missouri. Ms. Hartz, Ms. Douglas and Ms. Ressler will attend. Ms. Hartz and Ms. Douglas will serve as delegates

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board adopted a motion by Ms. Oppenhagen to accept the consent agenda which includes:

*Minutes:*

May 17, 2004 – Ms. Lief  
 May 18, 2004 – Ms. Ault  
 May 19, 2004 – Ms. Ault  
 May 19, 2004 – Dr. Younger  
 May 20, 2004 – Committee of the Joint Boards of Nursing and Medicine  
 June 21, 2004 – Nurse Licensure Compact Committee  
 June 22, 2004 – Discipline Committee

*Reports:*

Finance Report  
 Open Cases Report  
 Case Summary Report  
 Case Standard Report  
 License Count Report  
 Examinations: NNAAP  
 Probation Completed  
 Successful Completion of Health Practitioners Intervention Program

DIALOGUE WITH  
 AGENCY DIRECTOR:

Mr. Nebiker led discussions on the following issues:

- review of constituent letters from unsuccessful NCLEX candidates that completed nursing programs that consistently have low pass rates
- suggested for the Board to form a committee to meet with the Health Practitioners Intervention Program to review the expectations of the Board and the Health Practitioners Intervention Program
- on-line renewals dramatically increased in June, encouraged workforce survey to be added to on-line renewal
- nursing disciplinary caseload has increased 45% since last fiscal year due to mandatory reporting requirements, agency has increased number of enforcement and administrative proceedings employees to meet the needs of the increased number of cases
- an amended notice of intended regulatory action is being presented to the board regarding nurse aide program funding
- all notices and orders are now on the website for the Board of Nursing, other boards are in the process of being added to the website
- Department of Health Professions statistics are available on the website and are updated quarterly and can be found at “About DHP”
- Prescription drug monitoring conference to be held October 7 and 8, 2004

REGULATIONS:	<p><b><u>Adoption of Emergency Regulations – Board of Nursing delegation to an agency subordinate:</u></b></p> <p>The Discipline Committee recommended the regulations at its last meeting. The Board discussed the title of “agency subordinate” and reviewed Chapter 15 of the regulations. Ms. Cooper moved to remove the exception in 90-15-20, the motion failed. Ms. Hartz moved to adopt the proposed Emergency Regulations 18 VAC 90-15-10, 18 VAC 90-15-20 and 18 VAC 90-15-30. The motion was seconded and carried, Ms. Cooper voted no.</p> <p>Ms. Lief joined the meeting.</p>
POLICY FORUM:	<p><b><u>Sanction Reference Study:</u></b></p> <p>Mr. Neal Kauder provided a power point presentation on the sanction reference study which contained its purpose, framework and project status. Interviews with Board members are being conducted.</p> <p>Mr. Casway left the meeting.</p>
OPEN FORUM:	No one was present for discussion for the open forum.
LEGISLATIVE UPDATE:	Ms. Yeatts reviewed the status of Board of Nursing regulations. Ms. Hartz moved to adopt the amended Notice of Intended Regulatory Action regarding nurse aide funding. The motion was seconded and carried unanimously.
RECESS:	The Board recessed at 12:03 P.M.
RECONVENTION:	<p>The Board reconvened at 1:10 P.M.</p> <p>Mr. Casway re-joined the meeting.</p>
REPORTS:	<p><b><u>Board of Health Professions:</u></b></p> <p>Ms. Cooper reported on the meeting she attended on July 15, 2004. Topics discussed at that meeting include:</p> <ul style="list-style-type: none"> <li>• regulating directors of assisted living facilities and certification of dialysis patient care technicians</li> <li>• increased caseloads many Boards are experiencing</li> <li>• pending regulatory action and legislation</li> <li>• revision of priority coding system of cases</li> <li>• sanction reference study</li> </ul> <p>The next meeting is scheduled for October 2004.</p> <p><b><u>Nurse Licensure Compact:</u></b></p> <p>Ms. Douglas reviewed the minutes from the Nurse Licensure Compact Committee of June 21, 2004 that were adopted by the Board today. The Board accepted the Committee’s recommendation of Board policy regarding single state licenses. Ms. Douglas reported on the status of the implementation plan.</p> <p><b><u>House Joint Resolution 205 – Collection of Nurse Practitioner Data:</u></b></p> <p>Ms. Douglas reported that information regarding primary practice location is being submitted by nurse practitioners and the data is being entered. 1200 responses have been received to date out of a possible 2400.</p>

**Confidential Consent Agreements:**

Ms. Douglas reported that 38 confidential consent agreements have been offered since July 1 and overall positive responses have been received. Only 3 confidential consent agreements have been either not accepted or returned and therefore have been scheduled for informal conferences.

**OTHER MATTERS:**

**Election of Vice President:**

Due to the vacancy caused by new appointments, Janet Younger, Vice President became the new President pursuant to Board of Nursing by-laws. Ms. Hartz moved that Louisa Lief, R.N. be nominated as the new Vice President. The motion was seconded and carried unanimously. Ms. Hartz moved to close the nominations. The motion was seconded and carried unanimously. The vote to elect Ms. Lief as Vice President was unanimous.

**CLOSED SESSION:**

**Request for accommodation for examination:**

Ms. Oppenhagen moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 1:27 P.M. for consultation with legal counsel in the matter of requests for accommodation for examination. Additionally, Ms. Oppenhagen moved that Ms. Douglas, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway, Ms. Yeatts and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 1:34 P.M.

Ms. Oppenhagen moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**Allyn D. Deyo:**

Ms. Lief moved to grant the request for accommodation of three hours extended time over one day and a separate room to take the NCLEX-RN.

The motion was seconded and carried unanimously.

**Denise Snook:**

Ms. Hartz moved to grant the request for accommodation of three hours extended time over one day and a separate room to take the NCLEX-RN.

The motion was seconded and carried unanimously.

**Marie Conteh:**

Ms. Lief moved to grant the request for accommodation of three hours extended time over one day to take the NCLEX-PN.

The motion was seconded and carried unanimously.

**National Council of State Boards of Nursing on-line Nurse Practice Act Course:**

Mr. Huber presented information regarding establishing the on-line course. Ms. Lief moved that the Board pursue additional review and follow up with submission to NCSBN. The motion was seconded and carried unanimously. Board members were asked to forward any additional comments to Mr. Huber.

**Consideration of National Council of State Boards of Nursing Delegate Assembly Proposed Business:**

Ms. Hartz reviewed the NCSBN summary of recommendations to the 2004 delegate assembly. The delegates received no specific direction from the Board in regards to voting.

**Applicant Review Process:**

Dr. Younger proposed that the assignment of review of non-routine licensure applications be given to the President rather than rotating among board members. Ms. Oppenhagen moved that this duty be assigned to the President to provide for more consistency. The motion was seconded and carried unanimously.

**Virginia Council of Peri-Operative Nurses Petition for Rule Making to the Department of Health:**

Ms. Douglas reviewed the information distributed to Board members. The Board accepted as information only.

**Workforce Data Survey Implementation:**

Dr. Saxby reported the plan to have the workforce data survey available on-line with September 2004 renewals.

**New Certification Exam for Massage Therapists:**

Ms. Douglas reviewed the information regarding a new certification exam that will be available in late 2004 or early 2005 from the National Certification Board for Therapeutic Massage and Bodywork. Ms. Oppenhagen moved to accept the National Certification Exam for Therapeutic Massage. The motion was seconded and carried unanimously. This decision will be reflected in a new guidance document.

**Special Conference Committee Assignments:**

A draft committee assignment was distributed, any concerns need to be addressed with Dr. Younger as soon as possible.

**Nursing Education Regulations Review Committee:**

The Committee will meet after the business meeting adjourns to establish future meeting dates.

**Americans with Disabilities Act Accommodations:**

Dr. Saxby discussed the national trends of granted requests for accommodation for the NCLEX-RN and NCLEX-PN. Dr. Saxby reported that exam results of applicants that have been granted accommodation requests in Virginia will be maintained effective July 2004.

**Mary Marshall Scholarship:**

Ms. Ressler distributed and reviewed the balance sheet of the scholarship fund.

**EDUCATION  
PROGRAMS:**

The Board considered the recommendations of the Education Special Conference Committee from its meeting on July 19, 2004.

Ms. Piersall moved that the Board of Nursing adopt the recommendations as corrected.

The motion was seconded and carried unanimously.

**CLOSED SESSION:**

Ms. Oppenhagen moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:49 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Oppenhagen moved that Ms. Douglas, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

**RECONVENTION:**

The Board reconvened in open session at 1:56 P.M.

Ms. Oppenhagen moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

**CASE ADJUDICATION:**

**Consent Orders:**

**Jane Montgomery, R.N. 0001-154767**

Ms. Tillett moved to accept the Consent Order for indefinite suspension of Ms. Montgomery's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

**Susan Wheat, R.N. 0001-122321**

Ms. Hartz moved to accept the Consent Order for indefinite suspension of Ms. Wheat's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

**Judith Schnobrich, R.N. 0001-142830**

Ms. Tillett moved to accept the Consent Order for the voluntary surrender and indefinite suspension of Ms. Schnobrich's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

**Colleen Baker, R.N. 0001-171010**

Ms. Tillett moved to accept the Consent Order for indefinite suspension of Ms. Baker's right to renew her license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

**Wilma J. Carter, R.N. 0001-153971**

Ms. Hartz moved to accept the Consent Order for indefinite suspension of Ms. Carter's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

ADJOURNMENT:

The meeting was adjourned at 2:05 P.M.

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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director